



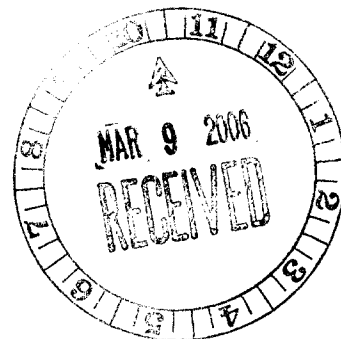
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Office of the Secretary

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MAR 09 2006

**SURFACE
TRANSPORTATION BOARD**

March 8, 2006



FEE RECEIVED

VIA U.P.S. OVERNIGHT DELIVERY

Mr. Vernon Williams, Secretary
Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

MAR 9 2006

**SURFACE
TRANSPORTATION BOARD**

RE: Docket No. AB-33(Sub-No.233X), Union Pacific Railroad Company
- **Abandonment Exemption - - In Woodson County, Kansas,**
- **(Durand Industrial Lead)**

Dear Mr. Williams:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years, (49 C.F.R. 1152.50), enclosed are an original and ten (10) copies of a verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 233X). Enclosed is a credit authorization voucher in the amount of \$3,000.00 for the filing fee. Three (3) computer disks, in Word format, are included for the Board's use.

Sincerely yours,

Enclosures

cc: All parties of record

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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

bcc: w/ Enclosures

Ray Allamong, Mailstop 1350
Lynda Prucha, Mailstop 1580
Mark Jensen, Mailstop 1690
Joe Bateman, Mailstop 1560
David Holt, Mailstop 1690
Jim Hild, Mailstop 1690

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 233X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN WOODSON COUNTY, KANSAS
(DURAND INDUSTRIAL LEAD)

NOTICE OF EXEMPTION

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: March 8, 2006
Filed: March 9, 2006

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 233X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN WOODSON COUNTY, KANSAS
(DURAND INDUSTRIAL LEAD)

NOTICE OF EXEMPTION

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Durand Industrial Lead from milepost 385.45 to milepost 387.00 near Yates Center, a distance of 1.55 miles in Woodson County, Kansas (the "Line").

Proposed Consummation Date: 49 C.F.R. § 1152.50 (d)(2)

The abandonment is proposed to be consummated on or after April 28, 2006 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period. The subject Line has not been used for freight traffic for at least two years. There is no overhead

traffic over the Line. After abandonment, Durand will continue to receive rail service from UP on the east side of the abandonment.

Additional Information Required: 49 C.F.R. 1152.22(a)(1) (4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroads' exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the Line from milepost 385.45 to milepost 387.00 near Yates Center, a distance of 1.55 miles. The Line is located in Woodson County, Kansas.

(a)(4) A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and hereby made a part hereof.

(a)(7) The representative to whom correspondence regarding this abandonment should be sent is:

Mack H. Shumate, Jr., Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Code 66783.

(e)(4) Rural and Community Impact. The Line was constructed by the St. Louis, Ft. Scott & Wichita Railroad in 1881. The Line is laid with 115-pound welded rail. There appears to be no reasonable alternative to the abandonment. No local traffic has moved over the Line in the past two years, and there is no overhead traffic on

the Line and the town of Durand will continue to be served by Applicant on the east side of the Line.

Based on information in the Applicant's possession, the Line proposed for abandonment does not contain federally granted right-of-way. The title to the property in the proposed abandonment is primarily reversionary. The small amount of non-reversionary land will be disposed of to adjacent landowners. There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

Any documentation so related to the Line, including real estate documentation relating to the Line in UP's possession, will be made available to those requesting it.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen , 360 ICC 91 (1979).

Certifications

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

Environmental and Historic Report

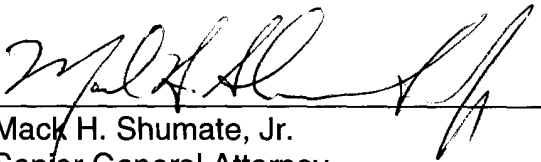
A copy of the Transmittal Letter of UP's Combined Environmental and Historic report containing the information required by 49 C.F.R. §§ 1105.7 (e) and

1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on December 8, 2005 and filed on December 9, 2005. The Combined Environmental and Historic Report indicates that the proposed abandonment does not involve historic properties.

Dated this 8th day of March, 2006.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in dark ink, appearing to read 'Mack H. Shumate, Jr.', is written over a horizontal line.

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

VERIFICATION

STATE OF NEBRASKA)

) ss:

COUNTY OF DOUGLAS)

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

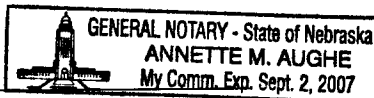
Dated at Omaha, Nebraska, this 13th day of January, 2006.


Raymond E. Allamong, Jr.

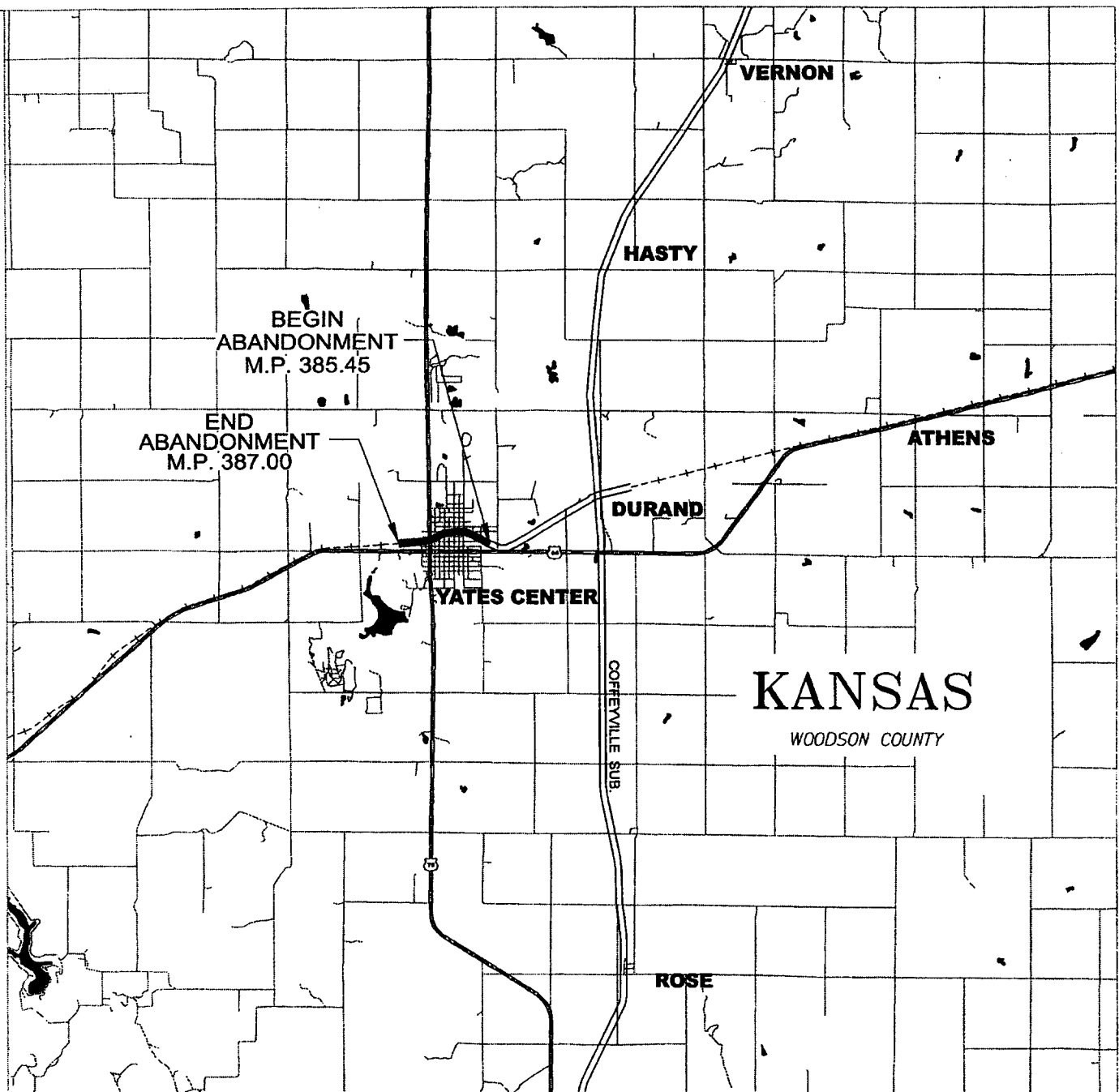
SUBSCRIBED AND SWORN TO
before me this 13th day of
January, 2006.


Notary Public

My Commission expires:



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NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

DURAND INDUSTRIAL LEAD

MP 385.45 TO MP 387.00
TOTAL OF 1.55 MILES
IN WOODSON COUNTY, KANSAS

UNION PACIFIC RAILROAD CO.
DURAND INDUSTRIAL LEAD
KANSAS

INCLUDING 50+ YEAR OLD STRUCTURES

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: Q:\abandonments\ab0355_durandv8.dgn

DATE: 27-Jun-05 07:57

DOCKET NO. AB-33 (SUB-NO. 233X)
Durand Industrial Lead in Woodson County, KS

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on January 25, 2006 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon the Durand Industrial Lead in Woodson County, Kansas in Docket No. AB-33 (Sub-No. 233X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, NE 68102

Kansas Dept. of Transportation
Dwight D. Eisenhower State Office Bldg.
700 S.W. Harrison Street
Topeka, KS 66603-3754

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, N.W., Auditors Building
14th St. & Independence Ave., SW
Washington, DC 20250

Department of Defense
Military Traffic Management Command
Transportation Engr. Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

49 C.F.R. § 1105.11 -

The undersigned certifies that on December 9, 2005 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 233X) for abandonment of the Durand Industrial Lead in Woodson County, Kansas on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service

- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

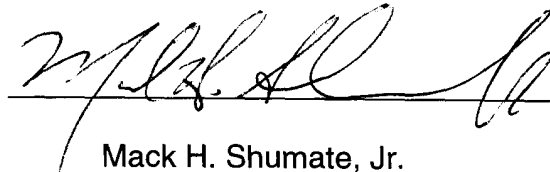
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

49 C.F.R. § 1105.12 - Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Abandon" was published in the form prescribed by the Board for a Notice of Exemption. The notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Woodson	<i>Yates Center News</i>	March 2, 2006

Dated this 8th day of March, 2006.


Mack H. Shumate, Jr.



COPY

December 8, 2005

VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Docket No. AB-33(Sub-No.233X), Union Pacific Railroad Company
- **Abandonment Exemption - - In Woodson County, Kansas,**
- **(Durand Industrial Lead)**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after December 29, 2005.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Enclosures

O:\ABANDONMENTS\33-233\STB-EHR.doc

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
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